

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 45 be amended to read as follows:

- 1           Page 10, between lines 21 and 22, begin a new paragraph and insert:  
2           "SECTION 10. IC 35-50-2-16 IS ADDED TO THE INDIANA  
3           CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
4           [EFFECTIVE JULY 1, 2007]: **Sec. 16. (a) The state may seek, on a**  
5           **page separate from the rest of a charging instrument, to have a**  
6           **person who allegedly committed a felony offense sentenced to an**  
7           **additional fixed term of imprisonment if the state can show beyond**  
8           **a reasonable doubt that the person knowingly or intentionally:**  
9               (1) selected the individual who was the victim of the felony  
10              offense; or  
11              (2) damaged or otherwise affected property by the  
12              commission of the felony offense;  
13           because of the color, creed, disability, national origin, race,  
14           religion, sexual orientation, gender identity, sex, or any other  
15           characteristic or belief of the victim of the offense or the owner or  
16           occupant of the property damaged or otherwise affected by the  
17           offense.  
18           (b) If the person is convicted of the felony offense in a jury trial,  
19           the jury shall reconvene to hear evidence in the enhancement  
20           hearing. If the trial was to the court, or the judgment was entered  
21           on a guilty plea, the court alone shall hear evidence in the  
22           enhancement hearing.  
23           (c) If the jury (if the hearing is by jury) or the court (if the  
24           hearing is to the court alone) finds that the state has proved beyond

1 a reasonable doubt that the person knowingly or intentionally  
2 selected the individual who was the victim of the felony offense or  
3 damaged or otherwise affected property by the commission of the  
4 felony offense because of the color, creed, disability, national  
5 origin, race, religion, sexual orientation, gender identity, sex, or  
6 any other characteristic or belief of the victim of the offense or the  
7 owner or occupant of the property damaged or otherwise affected  
8 by the offense, the court shall:

9 (1) sentence the person to an additional fixed term of  
10 imprisonment equal to the sentence imposed for the  
11 underlying felony, if the person is being sentenced for only  
12 one (1) felony; or

13 (2) sentence the person to an additional fixed term of  
14 imprisonment equal to the longest sentence imposed for the  
15 underlying felonies, if the person is being sentenced for more  
16 than one (1) felony.

17 (d) A sentence imposed under this section must run  
18 consecutively to the underlying sentence.

19 (e) A term of imprisonment imposed under this section may not  
20 be suspended."

21 Renumber all SECTIONS consecutively.

(Reference is to ESB 45 as printed April 6, 2007.)

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Representative Porter